

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14142 of Carley Capital Group, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7203.1, to modify the amount of parking spaces required for non-residential uses where the amount is not reduced by more than twenty-five percent for the proposed conversion of an existing building and the construction of an addition to house medical offices, retail uses and new residential condominium units in a C-2-A District at premises 638-654 Pennsylvania Avenue, S.E., (Square 873, Lot 113).

HEARING DATE: June 13, 1984

DECISION DATE: June 13, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located on the north side of Pennsylvania Avenue, S.E., between 7th Street on the east and 6th Street on the west. The site is in a C-2-A District and is known as premises 638-654 Pennsylvania Avenue, S.E.

2. The subject lot is an irregular six-sided figure. Its dimensions are 143.83 feet on the south or Pennsylvania Avenue frontage and 97.40 feet on the north or C Street frontage. The west side has two major segments which are 108.04 and 113 feet in length. The east side has two major segments which are approximately 107.02 and 166.91 feet in length. The site is approximately 30,000 square feet in area.

3. The subject site is improved with an historic theater building, which is being demolished except for its facade. The theater was known as the Penn Theater. The site is located in the Capitol Hill Historic District. The historic facade on Pennsylvania Avenue will be preserved as an entrance to the office portion of a mixed-use building that is being constructed by the applicant.

4. The site goes through from Pennsylvania Avenue on the south side of the square to C Street on the north side of the square and has access from both streets.

5. The subject square is located in a C-2-A District that extends from Pennsylvania Avenue to North Carolina Avenue two blocks to the north, between 6th and 7th Streets, S.E. The C-2-A District serves the Capitol Hill Historic

District in which it is located. The neighborhood on all sides of the subject commercial district is zoned R-4 and is developed with medium density residential uses.

6. The subject site is owned by the applicant, the Carley Capital Group. The applicant is in the process of developing the site with a structure containing a total gross floor area of 75,000 square feet, of which 8,480 square feet will be for retail uses, 36,520 square feet for medical office use and 30,000 square for thirty-five condominium apartment units. The applicant will provide an underground garage with 121 parking spaces at the site.

7. The zoning approval for the building permit for the proposed construction was obtained as a matter of right on September 13, 1983. After obtaining this approval and arranging to proceed with construction as a matter-of-right, with parking in excess of that required, the applicant was approached by a group of doctors wishing to lease the entire office component of the building for medical use.

8. The change from standard office uses to office use for doctors doubled the required parking pursuant to Section 7202. Section 7202 requires a total of 132 parking spaces, 114 for the medical offices and eighteen for the residences. Subsection 7203.1 of the Regulations authorizes the Board to vary or modify the number of parking spaces required for nonresidential uses provided the number of required spaces is not reduced by more than twenty-five percent. The applicant is requesting an eight percent overall reduction in parking spaces, with a seventeen percent reduction in required parking. The applicant's parking garage layout provides 121 total spaces, of which 110 will be nine by nineteen feet in size.

9. The Board has authority to grant special exceptions where in the judgement of the Board such special exceptions will be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property, subject in each case to the special conditions specified in that section of the Zoning Regulations under which the relief is requested.

10. Section 7203 requires that the Board give consideration to the following guidelines:

- A. The nature and location of the structure;
- B. The maximum number of students, employees, guests, customers, or clients who can reasonably be expected to use the proposed structure at one time;

- C. The amount of traffic congestion existing or which the structure can reasonably be expected to create in the neighborhood; and,
- D. The quantity of existing public, commercial, or private parking, other than curb-parking, on the property or in the neighborhood which can reasonably be expected to be available when the structure is in use.

11. The subject structure will be located on an elbow-shaped lot that is wider at its southern portion which fronts on Pennsylvania Avenue. The commercial section of the structure will be located in the southern portion of the site. The thirty-five residential units will be located on the northern portion of the site. The underground garage will extend under both sections of the structure. At its northern frontage on C Street, the subject site is only 97.40 feet in width, which results in an inefficient parking layout without double loaded aisles. In addition, as is shown in the applicant's geotechnical report, the lowest planned garage level is already at or below the water table which will result in substantial construction costs and practically prohibits enlargement of the size of the garage.

12. The project is well located in terms of access to major transportation corridors and facilities. The project is located within one-half block of the Eastern Market Metro station. The site is on Pennsylvania Avenue, and is within several blocks of North, East and South Capitol Streets, and Massachusetts, New York, Rhode Island, Constitution and Independence Avenues, all of which are major transportation routes in the city and provide convenient access to and from points in all directions. Seven bus routes pass the site on Pennsylvania Avenue.

13. The report of the applicant's traffic expert reflects the maximum number of persons using the proposed structure at one time and evidences that sufficient parking is provided to accommodate anticipated parking needs. The peak parking demand for the medical offices and retail space will be during the day, and the peak parking demand for the residential use will be at night. There can be expected 108 office workers on site during the day with 972 visitors anticipated. The residential space is projected to accommodate sixty-three residents. The retail space will accommodate approximately eleven employees. The traffic analyst concluded that peak parking supply will be greater than peak parking demand. Also, there is a sufficient supply of parking spaces available for shoppers, patients and visitors nearby both on-street and off-street.

14. On street parking is substantially utilized in the area around the structure. The area is well served by the

various modes of public transportation, and the streets operate at a low level of capacity during nonpeak hours. Because all parking will be accommodated on-site, no traffic congestion is expected as a result of this project.

15. The 121 on-site parking spaces provided by the applicant will be augmented by existing parking facilities in the neighborhood of the site. The applicant's studies have shown that the other off-street parking facilities in the area do not operate at full capacity. As the traffic consultant testified, during the peak time there are approximately 339 available off-street parking spaces within one block of the site.

16. The proposed use is designed and intended to be consistent with the spirit and purpose of the Zoning Regulations. The reduction in overall parking is in furtherance of the District's goal to encourage public transportation and the 121 parking spaces provided will be adequate for users of the subject structure. The proposed special exception relief will not tend to adversely affect the use of neighboring property. The nature and extent of the proposed use, the close proximity to various modes of public transportation, the availability of other underutilized off-street parking facilities in the area, and the projected demand for parking for the proposed use and lack of traffic congestion in the area caused by said use should result in no adverse effects to the neighborhood from the proposed special exception to reduce the number of parking spaces provided on-site.

17. The Office of Planning, by report dated June 6, 1984, recommended that the application be approved. The Office of Planning was of the opinion that the requested modification in parking requirements is minor and is not likely to create adverse conditions in the neighborhood. The proposed development would be located in close proximity to a Metro station and on bus routes so that the location factors would tend to reduce the need for on-site parking. The Board Concurs with the reasoning and the recommendation of the Office of Planning.

18. Advisory Neighborhood Commission 6B, by letter dated May 22, 1984, expressed support for the application. The support was based on the facts that the amount of the reduction is not more than twenty-five percent and there was no community opposition. The Board concurs with the reasoning and the recommendations of the ANC.

19. The Capitol Hill Association of Merchants and Professionals, by letter dated May 21, 1984, recommended that the Board act favorably on the application. The Association was of the opinion that the proposed project is an excellent addition to the community. Substantial parking

will be provided and the modification requested is relatively small. The site is located across the street from the Eastern Market Metro Station. The Association was of the opinion that this special exception can be granted without adversely affecting neighboring property. The Board concurs.

20. Fifteen letters of support were submitted to the record by neighbors who own dwellings in the nearby area. The support was based on the opinion that the proposed use of the site as doctor's offices, a walk-in clinic and a pharmacy would be more beneficial to the Capitol Hill neighborhood than if the office space was leased to the usual commercial office or retail tenants. The supporters noted that there are few doctors on Capitol Hill and the proposed use would serve a real need for more medical services in the area, particularly for the elderly, handicapped and infirm. The supporters were of the opinion that since the doctors are based in Capitol Hill Hospital, the majority of their patients would probably come from the Capitol Hill neighborhood and would probably walk or use public transportation to the site. The supporters noted that the area is well served by public transportation and for those who do drive there will be 121 parking spaces in the building plus available parking on lots and on the street. The supporters reasoned that the reduction of eleven parking spaces from the required 132 is unlikely to cause an adverse impact on the neighborhood parking.

21. The supporting neighbors were of the opinion that the subject building is well-designed and that the applicant has seriously dealt with the area residents' concerns for the preservation of the original facade of the building. This design excellence and the convenience and safety of having the doctors practicing in the area outweigh any minor parking problems that may be caused by the reduction of parking proposed in this special exception. The supporters were further of the opinion that to deny the special exception for such a beneficial use for such a minimal number of parking spaces would not be in the best interests of the Capitol Hill community. The supporters recommended that the application be granted. The Board concurs with the reasoning and the recommendations of the neighbors in support.

22. One letter of opposition was submitted to the record by a neighbor who owns a business on 7th Street, S.E., near the subject site. No reasons were given for the opposition.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to modify the amount of parking spaces required for non-residential uses where the amount is not

reduced by more than twenty-five percent. The granting of such a special exception requires that the proposed use satisfy all requirements listed in Sub-section 7203.1 of the Zoning Regulations. The Board must further find that the relief requested, if granted, will be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property.

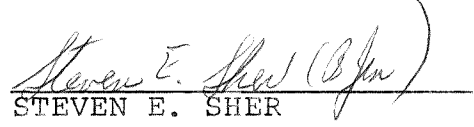
The Board concludes that the applicant has met its burden of proof. The reduction requested for the amount of parking to be provided will be less than twenty-five percent. The proposed use will satisfy all requirements of Sub-section 7203.1 as evidenced in findings Nos. 11 through 16.

The Board further concludes that a special exception to modify the amount of parking provided at the subject site will be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the the use of neighboring property. The proposed parking reduction will enable the subject site to be used for medical offices that would otherwise be permitted. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh,
Charles R. Norris and Carrie L.
Thornhill to grant; Douglas J. Patton
not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 AUG 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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